

1208543-Court-A-U.S.
RICHARD POOLE
ATTORNEY AT LAW
720 N 3RD STREET SUITE 502
WILMINGTON, NC 28401

IN RE
RITA ELAINE CANTY
2601 HASTINGS DRIVE

WILMINGTON, NC 28411
SSN or Tax I.D. XXX-XX-9787

Chapter 13
Case Number: 12-08543-8-JRL

U.S. BANKRUPTCY COURT
1760-A PARKWOOD BLVD
WILSON, NC 27893

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

ROBERT R. BROWNING, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 03/01/2013, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
Eastern District of North Carolina
1760-A Parkwood Blvd
Wilson, NC 27893

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):
RITA ELAINE CANTY
2601 HASTINGS DRIVE
WILMINGTON, NC 28411

Attorney:
RICHARD POOLE
ATTORNEY AT LAW
720 N 3RD STREET SUITE 502
WILMINGTON, NC 28401

Trustee:
ROBERT R. BROWNING
P.O. BOX 8248
GREENVILLE, NC 27835

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: January 29, 2013

ROBERT R. BROWNING
Chapter 13 Trustee
P.O. BOX 8248
GREENVILLE, NC 27835

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**

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IN RE:

CASE NUMBER: 12-08543-8-JRL

RITA ELAINE CANTY

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on January 8, 2013, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$930.00	for	57	Months
	for		Months
	for		Months
	for		Months

To the extent that the Plan requires early termination, without payment to general unsecured creditors, prior to the end of the 36 month or 60 month periods required in 11 U.S.C. § 1325(b)(4), said termination is not recognized by this Motion and said Plan shall not terminate prior to the required 36 or 60 month period as the case may be.

THE ANALYSIS OF THIS PLAN INDICATES THE GENERAL UNSECURED CREDITORS WILL RECEIVE A DIVIDEND. IF FUNDS ARE AVAILABLE TO THE UNSECURED CLASS THE EXACT AMOUNT TO BE PAID EACH CLAIM CANNOT BE CALCULATED AT THIS TIME;

Debtors With No Projected Disposable Income. If it has been determined that Debtor(s) has/have no projected disposable income and no equity in property pursuant to the liquidation test to be applied for the benefit of general unsecured creditors the obligation of the debtor(s) to make such payments shall cease upon payment to the Trustee of a sum sufficient to pay all allowed arrearage claims on secured debts, or other allowed secured claims (not including those to be paid "outside" the plan), unsecured priority claims, administrative claims and co-sign protect claims (if any) in full, along with the amount indicated below to be paid on general unsecured claims. IN SUCH EVENT THE GENERAL UNSECURED CLAIMS WILL BE PAID \$0.00 THROUGH THIS PLAN.

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before April 8, 2013 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before June 3, 2013 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:

a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
(014) HANOVER FINANCIAL SERVICES	2003 NISSAN ALTIMA	DIRECT

b. Continuing Long Term Debts to be paid by the Trustee:

The trustee will disburse regular ongoing monthly payments effective with the month indicated below with the Debtor to resume direct payments upon completion of plan payments. Arrearage through the month indicated will be paid in full over the term of the plan without interest as funds are available unless otherwise indicated. To receive disbursements, a creditor must file a proof of claim documenting a non-preferential perfected lien against the property. The Trustee will disburse the regular monthly payment indicated below unless an allowed filed claim indicates a different payment.

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
(900 & 901) BANK OF AMERICA HOME LOANS	MORTGAGE	CONTRACTUAL AND POST PETITION PAYMENTS TO BE MADE BY THE TRUSTEE

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
(015) HANOVER FINANCIAL SERVICES	2003 NISSAN ALTIMA ARREARS	NONE FILED	0% PRO-RATA WITHIN LIFE OF THE PLAN
(902) BANK OF AMERICA HOME LOANS	MORTGAGE ARREARS	\$3,601.45 SECURED	0% PRO-RATA WITHIN LIFE OF THE PLAN- NO CLAIM FILED

e. Claims to be avoided by the debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

Provided sufficient funds are available, and a proof of claim has been filed and allowed, the secured creditors listed above can expect to receive a minimum monthly payment equal to 1% of the value of their collateral.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with that November 5, 2009 Administrative Order Establishing Procedures Governing Post-Petition Conduit Mortgage Payments.

Administrative Arrearage Claim Treatment Under Conduit Order. If the mortgage creditor on a mortgage subject to the “Administrative Order Establishing Procedures Governing Post-Petition Conduit Mortgage Payments Effective January 1, 2010” (hereinafter “Conduit Order”) files a Proof of Claim for post petition arrearages that includes the two month “Administrative Arrearage” as defined in the Conduit Order, the Trustee has used that two month portion of the claimed amount as the Administrative Arrearage. In that event, Trustee has established that two month Administrative Arrearage claim as a separate claim and reduced the amount stated in the mortgage creditors proof of claim accordingly.

9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as: “Abandon,” upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property “for cause” under §362(a)(1), as allowed by Local Rule 4001-1(b):

NONE

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 8 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased/Contracted For</u>	<u>Treatment</u>
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NONE

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,700.00 . The Trustee recommends to the Court a fee of \$3,700.00 . If the recommended fee is different from that requested an explanation can be found in Exhibit ‘A’.

s/ Robert R. Browning
Robert R. Browning
Standing Chapter 13 Trustee

EXHIBIT 'A'**CASE NUMBER: 12-08543-8-JRL****DEBTORS: RITA ELAINE CANTY****EMPLOYMENT:**Debtor: NEW HANOVER COUNTY
COMMUNITY ACTION
507 N 6TH STREET
WILMINGTON NC 28401

GROSS INCOME: \$20,799.96

Spouse:

\$0.00

Prior Bankruptcy cases: Yes ☐ No ☒ If so, Chapter filed

Disposition:

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: RESIDENCE

FMV \$123,280.00

Date Purchased

Liens \$136,013.00

Purchase Price

Exemptions

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value

COMMENTS:**Attorney** Requested: \$3,700.00 (excluding filing fee)**Fees:** Paid: \$700.00 (excluding filing fee)

Balance: \$3,000.00

Trustee's Recommendation: \$3,700.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$69,631.00	Pay in	\$53,010.00	Priority	100.00%
Priority	\$3,000.00	Less 8.00%	\$4,240.80	Secured	100.00%
Secured	\$44,657.98	Subtotal	\$48,769.20	Unsecured	0.00%
Unsecured	\$21,973.02	Req. Atty. Fee	Incl. w/ claims	Joint	0.00%
Joint Debts	\$0.00	Available	\$48,769.20	Co-Debts	0.00%
Co-Debtor	\$0.00				

Annual Review: Yes ☐ No ☐**Payroll Deduction:** Yes ☐ No ☒**Objection to Confirmation:** Yes ☐ No ☐

Pending: SEE COURT DOCKET

Resolved: SEE COURT DOCKET

Motions Filed: Yes ☐ No ☐

If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

CERTIFICATE OF MAILING

0016

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 TASK: 01-28-2013.00614498.LSA000 DATED: 01/29/2013

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Court Served Electronically

Debtor		RITA ELAINE CANTY	2601 HASTINGS DRIVE WILMINGTON, NC 28411
799	000002	RICHARD POOLE 720 N 3RD STREET SUITE 502	ATTORNEY AT LAW WILMINGTON, NC 28401
019	000025	NCO FIN/09	507 PRUDENTIAL HORSHAM, PA 19044
016	000008	INTERNAL REVENUE SERVICE	PO BOX 7317 PHILADELPHIA, PA 19101-7317
001	000011	FIA CARD SERVICES NA PO BOX 15102	BANK OF AMERICA NA WILMINGTON, DE 19886-5102
030	000035	BANK OF AMERICA 4161 PEIDMONT PWY	NC4-105-03-14 GREENSBORO, NC 27420-8110
018	000009	NC DEPARTMENT OF REVENUE	PO BOX 58787 RALEIGH, NC 27658
003	000013	BULL CITY FINANCIAL SOLUTIONS	1107 W. MAIN STREET, SUITE 201 DURHAM, NC 27701
002	000012	BB&T PO BOX 1847	BANKRUPTCY SECTION 100-50-01-51 WILSON, NC 27894-1847
017	000024	JON BARRY & ASSOCIATES	PO BOX 127 CONCORD, NC 28206-0000
028	000033	SEAN M CORCORAN 5121 PARKWAY PLAZA DR STE 300	BROCK AND SCOTT CHARLOTTE, NC 28217
008	000018	FINANCIAL DATA SYSTEMS	1638 MILITARY CUTOFF ROAD WILMINGTON, NC 28403
009	000019	FINANCIAL DATA SYSTEMS	1638 MILITARY CUTOFF ROAD WILMINGTON, NC 28403
010	000020	FINANCIAL DATA SYSTEMS	1638 MILITARY CUTOFF ROAD WILMINGTON, NC 28403
011	000021	FINANCIAL DATA SYSTEMS	1638 MILITARY CUTOFF ROAD WILMINGTON, NC 28403
014	000006	HANOVER FINANCIAL SERVICES	4230 MARKET STREET WILMINGTON, NC 28403-1409
015	000007	HANOVER FINANCIAL SERVICES	4230 MARKET STREET WILMINGTON, NC 28403-1409
020	000010	NEW HANOVER COUNTY TAX OFFICE	PO BOX 18000 WILMINGTON, NC 28406
013	000023	GEMB/WALMART	PO BOX 103104 ROSWELL, GA 30076
023	000029	TEK COLLECT	871 PARK STREET COLUMBUS, OH 43215-1441
007	000017	CREDIT FIRST/CFNA PO BOX 818011	ATTN: MANAGING AGENT CLEVELAND, OH 44181
024	000028	T-MOBILE	PO BOX 742596 CINCINNATI, OH 45274-2596
012	000022	GEGRB/ASHLEY FURNITURE	950 FORRER BLVD KETTERING, OH 45420
027	000032	WELLS FARGO BANK NA MAC X2505-016	PO BOX 10438 DES MOINES, IA 50306

CERTIFICATE OF MAILING

0016

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TASK: 01-28-2013.00614498.LSA000 DATED: 01/29/2013

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022	000027	SEARS	PO BOX 6282 SIOUX FALLS, SD 57117-6282
004	000014	CAP ONE	P O BOX 5253 CAROL STREAM, IL 60197
025	000030	VERIZON WIRELESS	PO BOX 3397 BLOOMINGTON, IL 61702-3397
031	000036	BANK OF AMERICA PTX-B-209	7105 CORPORATE CENTER DRIVE PLANO, TX 75024
021	000026	NISSAN INFINITY LT	8900 FREEPORT PARKWAY IRVING, TX 75063
026	000031	WELLS FARGO FINANCIAL CARD SERVICES	PO BOX 660041 DALLAS, TX 75266-0041
900	000003	BANK OF AMERICA	PO BOX 660933 DALLAS, TX 75266-0933
901	000004	BANK OF AMERICA	PO BOX 660933 DALLAS, TX 75266-0933
902	000005	BANK OF AMERICA	PO BOX 660933 DALLAS, TX 75266-0933
005	000015	CAPITAL ONE PO BOX 30285	ATTN: MANAGING AGENT SALT LAKE CITY, UT 84130-0285
029	000034	CAPITAL ONE NA 3936 E FT LOWELL ROAD SUITE #200	BASS AND ASSOCIATES PC TUSCON, AZ 85712
006	000016	CONVERGENT OUTSOURCING	800 SW 39TH STREET RENTON, WA 98057

37 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 01/29/2013.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 01/29/2013 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail